

**IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI**

MARION ECHOLS,)	
)	
Plaintiff,)	
)	
Vs.)	Case No.:
)	
COURIER EXPRESS ONE,)	Division No.
)	
Serve: CT Corporation)	
Registered Agent,)	
120 S. Central Avenue, Suite 400)	
Clayton, MO 63105)	
)	
Defendant.)	

PETITION FOR DAMAGES

COMES NOW, Plaintiff Marion Echols by and through his undersigned attorney, Edward F. (Ted) Luby and states the following, on personal knowledge as to his own acts and observations, and on information and belief following reasonable investigation as to all matters.

PARTIES

1. Plaintiff Marion Echols was employed, and at all times relevant to this action was employed, by Defendant Courier Express One and its predecessors. Mr. Echols resides in Missouri and is a citizen of Missouri.

2. Defendant Courier Express One engages in a delivery service. Courier Express One is a Missouri Corporation with a principal place of business in St. Louis, Missouri.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction under Mo. Const. art. V, Section 14, and RSMo 478.070. No federal court has subject matter jurisdiction, and this case is not removable.

Mr. Echols is a citizen of Missouri, as is Defendant Courier Express One. No question arises under federal law.

4. This Court has personal jurisdiction under RSMo 506.500 because the Courier Express One Defendant is doing business in the State of Missouri, and all Defendants transacted business within this state, and made contracts within this state which give rise to the causes of action asserted here.

5. Venue is proper because one or more discriminatory acts occurred in the County of St. Louis, Missouri.

FACTS

6. Plaintiff Marion Echols was employed by Courier Express One, and over the past several years has worked for the company in Hazelwood, Missouri.

7. Mr. Echols is African-American, and has darker skin than his Caucasian co-workers. He was born July 23, 1974, and was over forty years of age at all times relevant to the adverse acts set forth here.

8. Mr. Echols started working for Courier Express One in 2017.

9. From 2017 to 2019, he was an Dispatcher, then worked as a Driver from 2019 to 2020.

10. In July of 2019, Mr. Echols made a complaint to Courier Express One regarding sexual harassment by his Manager, Gregory Phillips towards a female employee.

11. In September of 2019, Mr. Echols made another complaint to Courier Express One regarding racial slurs at work by his Manager, Gregory Phillips.

12. In October of 2019, Mr. Echols was demoted from his position of Dispatcher to Driver after his Manager, Gregory Phillips expressed that he was upset that he was upset by Mr. Echols' complaints.

13. Mr. Echols' position was filled by female employee. All remaining Dispatcher positions were then replaced by women.

14. On November 10, 2019, Mr. Echols twisted his ankle while on the job and requested from Courier Express One that he be put into a temporary position that required lighter duty due to his injury. No other positions were offered to him despite other employees with similar injuries having been accommodated with light duty.

15. Mr. Echols was told on November 11, 2019 by the company owner, Anthony Urso, that he should just leave and find other employment. Mr. Phillips then offered to terminate Mr. Echols with a severance payment.

COUNT I

VIOLATION OF THE MISSOURI HUMAN RIGHTS ACT RSMo CHAPTER 213 RACE DISCRIMINATION

16. Plaintiff incorporates each and every foregoing and succeeding paragraph of this Petition as if fully set forth here.

17. Plaintiff is an employee, and Defendant is an employer, within the meaning of the Missouri Human Rights Act, RSMo Chapter 213.

18. Defendant denied Plaintiff promotions, denied him other promotional and work opportunities, denied him flexibility in his work duties which other employees received, and subjected him to a racially hostile environment, and otherwise treated Plaintiff adversely in the terms and conditions of his employment.

19. Plaintiff's race – African-American – was a contributing factor in Defendant's actions.

20. Plaintiff has suffered damages.

21. Defendant has acted with evil motive and/or in reckless disregard of Plaintiff's rights, justifying an award of punitive damages.

22. Plaintiff respectfully prays that this Court adjudge Defendant liable for race discrimination in violation of the Missouri Human Rights Act, and grant all relief allowed under the law, as set forth in the Prayer in this Petition.

WHEREFORE, Plaintiff Marion Echols prays for judgment and damages in Count I of his Petition against all Defendants in an amount in excess of Twenty-Five Thousand & 00/100 dollars (\$25,000.00) and less than Seventy-Four Thousand & 00/100 dollars (\$74,000.00) for personal injuries, for pain and suffering, anguish of mind, together with costs of suit, lost of benefit of the bargain, attorney's fees, and such and other and further relief as this Court shall deem just and proper.

COUNT II

VIOLATION OF THE MISSOURI HUMAN RIGHTS ACT RSMo CHAPTER 213 COLOR DISCRIMINATION

23. Plaintiff incorporates each and every foregoing and succeeding paragraph of this Petition as if fully set forth here.

24. Plaintiff is an employee, and Defendant is an employer, within the meaning of the Missouri Human Rights Act, RSMo Chapter 213.

25. Defendant denied Plaintiff promotions, denied him promotional and work opportunities, denied him flexibility in his work duties which other employees received,

subjected him to a racially hostile environment, and otherwise treated Plaintiff adversely in the terms and conditions of his employment.

26. Plaintiff's color – dark-skinned – was a contributing factor in Defendant's actions.
27. Plaintiff has suffered damages.
28. Defendant has acted with evil motive and/or in reckless disregard of Plaintiff's rights, justifying an award of punitive damages.
29. Plaintiff respectfully prays that this Court adjudge Defendants liable for color discrimination in violation of the Missouri Human Rights Act, and grant all relief allowed under the law, as set forth in the Prayer in this Petition.

WHEREFORE, Plaintiff Marion Echols prays for judgment and damages in Count II of his Petition against all Defendants in an amount in excess of Twenty-Five Thousand & 00/100 dollars (\$25,000.00) and less than Seventy-Four Thousand & 00/100 dollars (\$74,000.00) for personal injuries, for pain and suffering, anguish of mind, together with costs of suit, lost of benefit of the bargain, attorney's fees, and such and other and further relief as this Court shall deem just and proper.

COUNT III

VIOLATION OF THE MISSOURI HUMAN RIGHTS ACT RSMo CHAPTER 213

30. Plaintiff incorporates each and every foregoing and succeeding paragraph of this Petition as if fully set forth here.

31. Plaintiff is an employee, and Defendant is an employer, within the meaning of the Missouri Human Rights Act, RSMo Chapter 213.

32. Defendant denied Plaintiff promotions, promotional and work opportunities, denied him flexibility in his work duties which other employees received, subjected him to a hostile work

environment, and otherwise treated Plaintiff adversely in the terms and conditions of his employment in a way that is less favorable than similarly situated female employees.

33. Plaintiff's sex was a contributing factor in Defendants' actions.
34. Plaintiff has suffered damages.
35. Defendant has acted with evil motive and/or in reckless disregard of Plaintiff's rights, justifying an award of punitive damages.

36. Plaintiff respectfully prays that this Court adjudge Defendants liable for sex discrimination in violation of the Missouri Human Rights Act, and grant all relief allowed under the law, as set forth in the Prayer in this Petition.

WHEREFORE, Plaintiff Marion Echols prays for judgment and damages in Count III of his Petition against all Defendants in an amount in excess of Twenty-Five Thousand & 00/100 dollars (\$25,000.00) and less than Seventy-Four Thousand & 00/100 dollars (\$74,000.00) for personal injuries, for pain and suffering, anguish of mind, together with costs of suit, lost of benefit of the bargain, attorney's fees, and such and other and further relief as this Court shall deem just and proper.

JURY DEMAND

Mr. Echols respectfully demands a jury trial on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Marion Echols prays for judgment and damages against all Defendants in an amount in excess of Twenty-Five Thousand & 00/100 dollars (\$25,000.00) and less than Seventy-Four Thousand & 00/100 dollars (\$74,000.00) for personal injuries, for pain and suffering, anguish of mind, together with costs of suit, lost of benefit of the bargain, attorney's fees, and such and other and further relief as this Court shall deem just and proper.

RESPECTFULLY SUBMITTED,

/s/ Edward F. (Ted) Luby

Edward F. (Ted) Luby, MBE #48857

Luby Law Firm

The 222 Building

222 South Central, Suite 500

Clayton, MO 63105

Ph: (314) 421-5829

Email: lubylaw@lubylawfirm.com